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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,749	04/02/2004	Richard C. E. Durrant	403FO001	1146

7590

09/08/2005

Karl D. Kovach
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7444 West Wilson Avenue
Chicago, IL 60706

EXAMINER

HESS, DANIEL A

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/816,749	Applicant(s) DURRANT ET AL.	
	Examiner Daniel A. Hess	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13,15,17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13,15,17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's arguments and amendment of 6/13/2005.

Response to Request for Reconsideration

The examiner respectfully summarizes his position as follows: Nearly all limitations of the claimed invention are explicitly taught by Stanescu and the only limitations lacking in Stanescu relate to which bits of information are stored by the transponder. Altering of the information content of the transponder is technically an extremely easy and simple modification. One only secondary references which demonstrate the value of having a particular type of information in building a network in order to have motivation to include this in the set of information that the transponder handles. The actual change to the invention of Stanescu would only involve a couple of lines of software code to handle a few more pieces of information, since Stanescu's already uses connector-based transponders to exchange *some* information between the fiber-side connector and the panel of a host.

In response to the applicant's arguments, the examiner respectfully notes applicant's primary argument appears to be that Renzoni (of record) lacks most of the limitations of the claimed limitation, and thus cannot cure the deficiencies of Stanescu. This argument is made on page 4 of the applicant's 6/13/2005 response.

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The examiner respectfully notes argument is improper because under 35 USC 103, a secondary reference need not teach all or even most of the limitations claimed, only those limitations deficient in a primary reference, which it is employed to cure.

If Renzoni were to teach all of the limitations which the applicant expects of that reference, Renzoni would indeed provide the basis for a 102 rejection. That is not what Renzoni does and that is not how Renzoni has been applied.

The examiner sincerely regrets suggesting certain claims contained allowable subject matter in the First Action, a position later changed. A subsequent non-final rejection was issued by the examiner, but the applicant was nevertheless undoubtedly inconvenienced.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 11, 13, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanescu (US 6,784,802) in view of Renzoni (US 6,745,971).

See notably figure 1 of Stanescu.

Stanescu teaches (column 5, lines 45-65):

“The **Transponders** (Tags)

These are smart labels that contain information, which can be both read and written (modified), through a wireless interface.

One **transponder will be attached at each end of the patch cord** or cable. They can be embedded (over-molded) in the plugs or their boots, glued or simply wrapped around if incorporated in the form of a label.

They can be programmed at installation, e.g., through the "Local Monitoring Unit" or "Field Programmable Unit," can be factory installed and programmed, and can be used to trace the cords for stock or asset management.

The **transponder** corresponding to each plug stores information about the cable and the cabling system at its level in the hierarchy.

They can be either mounted on copper or **fiber optic patch cords**.”

Stanescu further teaches (column 6, lines 4-18):

“The Readers

The readers include **miniature antennas attached to each jack**. They further include sensors that can be embedded, e.g., over-molded in each jack or can be presented as multiple readers, each reader corresponding to a jack. They can be put together on a PCB, on the same PCB with the jack circuit, mounted above ports on a **patch panel** or embedded in the **patch panel**.

The readers corresponding to a **patch panel** are connected together through a serial interface, for example having 3 wires, and then the cable of each patch panel daisy-chained to the next, the last one going to the "Local Monitoring Unit.””

Here it is to be noted that the readers are indeed transceivers, in as much as they communicate with the transponders. The transponders communicate with their respective jacks when there is sufficient proximity.

Stanescu fails to teach that connector type, purchase date, fiber length, grade and warranty are conveyed by the transponder.

Re claims 11, 13, and 17: Renzoni teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17).

In view of Renzoni's information, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known connector type information (claim 13), fiber length (claim 11) and purchase date (claim 17) in the transponder tag and communication system of Stanescu because as Renzoni clearly recognizes, these are all relevant data in putting together a good fiber network. Connectors must match, fiber length must be compensated for by necessary amplification, and purchase date indicates how old the fiber is.

Re claim 15: Fiber grade matching is important in building a fiber-optic network because one would not want to spoil a high grade network with a low grade fiber. Stoy (US 5,066,091) makes mention (column 14, lines 62-68) of the value of grade matching in replacing fibers in a system.

Warranty information is also understood in the art to be useful when maintaining a fiber optic network because if a fiber in the network is under warranty, it might be possible to recoup its costs.

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In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include both grade and warranty information in the transponder of Stanescu along with the various other information that is already present because all of these pieces of information are relevant in building and maintaining an optical fiber network.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

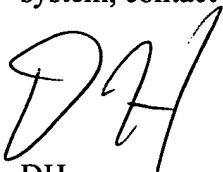
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH
8/30/2005

DANIEL STCYR
PRIMARY EXAMINER

